

REMARKS

Claims 1-14 are pending in this application. By this Amendment, claims 1, 2, 7 and 8 are amended and new claims 13 and 14 are added. Support for new claims 13 and 14 may be found, for example, on page 5, paragraph [0028] and page 7, paragraphs [0040] and [0041].

Claims 1-5 and 7-11 stand rejected under 35 U.S.C. §103(a) over McQuade et al. (U.S. Patent 6,362,734) in view of Spoto et al. (U.S. Patent 6,278,358). This rejection is respectively traversed.

The combination of McQuade and Spoto fails to teach or suggest a seatbelt use apparatus or method that includes two indicators for both use and non-use of the seatbelt, wherein the second glow of the seatbelt non-use indicator changes into the first glow of the seatbelt use indicator when the use indicator determines that the seatbelt has been placed into use (i.e., buckled). Moreover, the combination fails to teach or suggest an apparatus or method in which both the first glow and the second glow are at least one of a flickering glow or a combination of a continuous glow and the flickering glow; and the displayed second glow indicating that the seatbelt is not used is brighter than the displayed first glow indicating that the seatbelt is used.

McQuade generally describes a seatbelt status display that "may also indicate the seating positions which have a secured belt and/or which seating positions have an unsecured belt." (See column 5, lines 19-22.) McQuade specifically fails to teach or suggest an apparatus and method in which the second glow (indicating seatbelt non-use) changes into the first glow (indicating seatbelt use) when the use indicator determines that the seatbelt has been buckled. McQuade also fails to teach or suggest the use of a second glow for indicating when the seatbelt is not used that is brighter than the first glow for indicating when the seatbelt is used. McQuade also fails to teach or suggest either a flickering glow or the

combination of a continuous glow with a flickering glow for both the use and non-use indicators.

Spoto can not be used to cure the defects of McQuade because Spoto teaches away from the two indicator feature in which the second glow indicating seatbelt non-use changes into the first glow indicating seatbelt use when the use indicator determines that the seatbelt has been buckled. More particularly, Spoto teaches away from a two indicator system that is always on in column 4, lines 21-31, specifically, lines 29-31 where it is stated that the "secondary seat belt warning system 10 will be deactivated after five minutes have elapsed since initial activation." Because the combination of McQuade and Spoto fails to teach or suggest all features of the claimed apparatus and method, withdrawal of this 35 U.S.C. §103(a) rejection is requested.

Claims 6 and 12 stand rejected under 35 U.S.C. §103(a) over McQuade in view of Spoto, and further in view of Slaughter et al. (U.S. Patent 6,215,395). This rejection is respectively traversed.

As noted above, McQuade fails to teach or suggest several features of applicants' claimed apparatus and method directed to a two indicator system for both use and non-use of a the seatbelt. Slaughter does not correct the deficiency of McQuade because there are no teachings or suggestions directed to any positive/definitive indication to show that a seatbelt is in use (i.e., their indicator/lamp is off for the use state.) The systems described in Slaughter are like the prior art systems described in the background section of this application which are not able to distinguish the difference between when a seatbelt becomes unbuckled or a use indicator fails. For this reason, there is no motivation to combine Slaughter with McQuade. Moreover, the combination of McQuade and Slaughter fails to teach or suggest all of the features of the claims. As such, withdrawal of this 35 U.S.C. §103(a) rejection is requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-14 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Lynn E. Schwenning
Registration No. 37,233

JAO:LES/ccs

Date: November 21, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--